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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,718	02/15/2002	Daniel Bone	0275S-0327DV	5231

27572 7590 07/05/2002

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/077,718

Applicant(s)
Bone et al.

Examiner
Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 30, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-28 is/are pending in the application.
- 4a) Of the above, claim(s) 25-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/015,615.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of Group I (claims 22-24) in the response filed May 30, 2002 (paper no. 4) is acknowledged. Claims 25-28 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119 (a)-(d). The certified copy has been filed in parent Application No. 09/015,615, filed on January 29, 1998.

Drawings

3. The drawings are objected to because of the following informalities:

In Figures 7 and 8, numerals 100[✓], 101[✓] and 106[✓] represent alternative structures than those of the previous Figures, and it seems that they should be changed to --100'-- , --101'-- and --106'-- or the like;

In Figure 10[✓], a lead line should be provided for numeral 107.

Appropriate correction is required.

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Abstract

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because it is too long. Also, in line 13, "means" is improper, and it is suggested to simply delete "means of". And, in line 26, "Figure 1" is improper and should be deleted. Appropriate correction is required. See MPEP § 608.01(b).

Specification

6. The disclosure is objected to because of the following informalities:

Appropriate titles should be provided - at least --Brief Description of the Drawings-- and --Detailed Description of the Preferred Embodiments-- or the like on page 10 and 11, respectively.

On page 10, line 27, "part" is improper and should be deleted.

On page 11, line 14, it seems that "an" should read --a--.

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On page 12, line 18, both occurrences of "a" should be changed to --the-- for clarity; in line 24, "A" should read --The-- for clarity.

On page 13, line 7, a numeral or --(not shown)-- should be inserted after "ball rollers" for clarity; in line 15, --a-- should be inserted before "drawn" for clarity.

On page 14, line 2, "40" should read --14--; in line 33, "(20)" should read --20--; in line 34, --to-- should be inserted after "clamped".

On page 15, lines 28 and 30, "101" should read --101'-- or the like for clarity; similarly, in line 31, it seems that "101" should read --101'-- or the like for clarity. Similar changes should be made as applicable on the pages following page 15.

On page 16, line 1, "134, 135" should be deleted and reinserted after "ledges"; in line 14, "103, 104" is inaccurate and should read --128, 129--; in line 18, "106" is incorrect and should read --105--; in line 17, "100" should be changed to --100'; in line 30, -- , 106'-- should be inserted after "106" and -- , 100'-- should be inserted after "100"; in line 33, -- , 100'-- should be inserted after "100"; in line 35, the sentence --The two embodiments shown in Figures 4-9 are similar and will be described in terms of one of the embodiments.-- should be inserted before "The".

On page 17, line 12, a numeral or --(not shown)-- should be inserted after "protrusions" for clarity.

On page 18, line 23, the comma "," after "105" should be deleted.

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On page 19, line 25, "A" should be changed to --The--; in line 27, ", 114" should be deleted for clarity; in line 28, "108" is incorrect and should read --107-- or the like.

On page 22, line 3, "(108)" should be changed to --108--; in line 26, a comma --,-- should be inserted after "fixed".

On page 23, line 15, "Figure" should be changed to --Figures--; in line 32, "20a" should read --20b--.

On page 24, line 6, "(X)" should read --(Y)--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. Claims 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 22, lines 10-1, "the axis of rotation" lacks positive antecedent basis, and it is suggested in line 6 to insert --about an axis of rotation-- after "360" or the like.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tompkins, pn 4,138,867.

Tompkins discloses a clamping mechanism with almost every structural limitation of the claimed invention including a rod (e.g., 18) and a clamping arm (e.g., 17), but lacks a one-way rotary clutch positioned between the rod and the clamping arm. However, the Examiner takes Official notice that releasable one-way rotary clutches are old and well known in the art and provide various well known benefits including enabling rotational movement in one direction while preventing undesired movement in an opposite direction. Therefore, it would have been obvious to one having ordinary skill in the art to replace the locking mechanism of Tompkins with a releasable one-way rotary clutch between the rod and the clamping arm for the well known benefits including that described above as well as other known benefits such as providing a more compact design of the clamping mechanism.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

Clark F. Dexter
Primary Examiner
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cfid
June 28, 2002